

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

\*

vs.

\* CRIMINAL NO. MJG-13-0608

DAMIEN RILEY

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\* \* \* \* \*

MEMORANDUM AND ORDER

The Court has before it Defendant's Motion for Reconsideration of May 14 2018 Judgement [sic] Pursuant to Rule 59(E) of The Federal Rules of Civil Procedure [ECF No. 147] and his letter requesting certain documents [ECF No. 148]. The Court finds that neither a response nor a hearing is necessary.

The motion for reconsideration seeks to reargue the contentions resolved by the Court in the Memorandum and Order issued May 14, 2018 denying Petitioner's Motion Under 28 USC 2255 [sic] to Vacate, Set Aside, or Correct Sentence By a Person In Federal Custody [ECF No. 123]. See Memorandum and Order, ECF No. 146.

As stated by Judge Ramsey in Weyerhaeuser Corp. v. Koppers Co., Inc., 771 F. Supp. 1406, 1419 (D. Md. 1991) (citation omitted):

A motion for reconsideration (or, to alter or amend judgment) made pursuant to Fed. R. Civ. P. 59(e) may be made for one of three reasons: (1) an intervening change in the controlling law has occurred, (2) evidence not previously available has become available, or (3) it is necessary to correct a clear error of law or prevent manifest injustice.

The present motion presents nothing warranting a change by the Court of the Memorandum and Order issued May 14, 2018. Defendant can, and should if he wishes, appeal from the Court's decision and obtain review by the United States Court of Appeals for the Fourth Circuit.

The letter request for certain documents seems to contend that the Clerk did not send him an "official disposition order" which he says is necessary for an appeal. The Defendant did receive the Memorandum and Order issued May 14, 2018<sup>1</sup> which does officially dispose of his motion under 28 U.S.C. § 2255. He can file an appeal from that ruling if he does so properly and timely.

Accordingly:

1. Defendant's Motion for Reconsideration of May 14 2018 Judgement [sic] Pursuant to Rule 59(E) of The Federal Rules of Civil Procedure [ECF No. 147] is DENIED.
2. Defendant's Request for Documents [ECF No. 148] is DENIED.

SO ORDERED, this Wednesday, June 06, 2018.

/s/\_\_\_\_\_  
Marvin J. Garbis  
United States District Judge

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1     Indeed, the reconsideration motion addresses that decision.